

REMARKS

Status of the Application

In the present Office Action, claims 1-2 and 5-7 have been rejected. In the present Amendment, claims 1 and 5 have been amended so that claims 1-2 and 5-7 are pending. Claims 1 and 5 have both been amended, in accordance with the Examiner's note in paragraph 4, to further define the "gloss value" as "1.4 to 3.2 times less than a powder coating composition comprising 0 wt.% spheroidal particles", and the "flow parameters" as "decreased by no more than from about 0 to 2.6 times as much as a powder coating composition comprising 0 wt.% spheroidal particles." No new matter is added.

Rejections Under 35 U.S.C. § 112, first paragraph

In the Office Action, claims 1-2 and 5-7 were rejected under 35 U.S.C. § 112, first paragraph for allegedly "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner takes the position that based on the ranges used in claims 1 and 5 to describe the "gloss value" as "from about 2 to about 3 times less than a powder coating composition comprising 0 wt.% spheroidal particles" and the "flow parameters" as "decreased by no more than from about 0 to about 3 times as much as a powder coating composition comprising 0 wt.% spheroidal particles", the "applicants were not in possession of the invention as presently claimed and the applicants are claiming more than what was reduced to practice in the examples."

Specifically, the Examiner asserts that using the word "about" in the phrase "about 2 to about 3 times less" with regard to the gloss value would include values such as 1.3, 1.35, 3.25, 3.3, etc., for which there is no support provided in the specification as originally filed. Similarly, the Examiner asserts that using the word "about" in the phrase "about 0 to about 3 times as much" with regard to the flow parameters would include values such as 2.8, 3.1, etc., for which there is no support provided in the specification as originally filed. In fact, the Examiner asserts that when viewing the Table 9 comparison of gloss and flow parameters for coating compositions containing no microspheres to coating compositions formulated to

contain microspheres in accordance with Applicants' claimed invention, the data indicates that the "examples 2-4, 8, 15, 17 and 19 disclose gloss value which is 1.4, 2.0, 2.7, 2.9, 2.6, 2.1, 2.7, and 3.2 times less, respectively, than gloss value of powder coating composition comprising 0% spheroidal particles, while examples 2-4, 8, 15, 17, and 19 disclose flow parameter which is 1.1, 1.2, 1.5, 1.7, 1.5, the same, 2.6, and 1.2 times less, respectively, than the flow parameter of powder coating composition comprising 0% spheroidal particles."

As a result, the Examiner stated that she would be "willing to remove the above rejection" if Applicants amended "claims 1 and 5 to recite that 'said low gloss powder coating composition has a gloss value that is from 1.4 to 3.2 times less than a powder coating composition comprising 0 wt.% of spheroidal particles' and 'said low gloss powder coating composition has flow parameters that are decreased by no more than from about 0 to 2.6 times as much as a powder coating composition comprising 0 wt.% of spheroidal particles'. Applicants have amended claims 1 and 5 in accordance with the language suggested by the Examiner, and therefore respectfully request that the Examiner withdraw this rejection and allow the case.

Summary

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicant's representative at the telephone number below to resolve any remaining issues.

Applicants believe there are no other fees currently due, but if there are any other fees due which are not accounted for, please charge such fees to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,



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